






Evaluation and Retention of Child Neglect Referrals

Report highlights

September 2021

Idaho statute does not prevent the Department of Health and Welfare from keeping child protection referral and investigation records indefinitely.

Two systems store information about child protection cases.

| Child Welfare Data Management System | | Child Protection Central Registry |
|---|---|---|
| System is used to identify patterns of maltreatment and decide whether a referral requires a safety assessment. |  Data use | System is used to decide whether a referral requires a safety assessment and to conduct background checks. |
| Yes Notice is provided to individuals when a safety assessment is assigned. No When a safety assessment is not assigned, notice is not provided. |  Notice | Yes Notice is provided to individuals when a record is created. |
| Yes Individuals may request information about themselves. |  Record request | Yes Individuals may request information about themselves. |
| No The department does not have a process to appeal the creation of a record. |  Appeal | Yes Individuals may appeal the department's decision to create the record. |
| No There is no state policy for record retention or criteria for expunging records. |  Record retention | Yes Individual may request the removal of their name from the registry after a specified period of time. |

Record retention

The department kept records for **11,546** referrals that did not meet statutory definitions of abuse or neglect in fiscal year 2019.

Maintaining records that families are unaware of but can be used against them may fuel tension and lack of trust.

Idaho is one of only **6** states that do not have expungement regulations.

Neglect definition

Idaho is among states with the most limited definitions of neglect.

Idaho Code § 16-1603(1)(b) is unclear about the difference between an “unstable home environment” and abuse and neglect.

As a result, the standards used by the courts to determine its jurisdiction and the standards used by the department during its intake process are inconsistent.

Policy Considerations

1. Clarify and strengthen Idaho's laws for child protection records by establishing criteria and timelines for when records must be deleted from the department's child welfare data management system.
2. Clarify Idaho's statutory definitions for child maltreatment by removing or further defining the term “failure to provide a stable home environment”.



View the report:
www.legislature.idaho.gov/